

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Crim. Action No.: 2:20CR18
(Judge Kleeh)**

RICHARD SCOTT CONNALLY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 33] AND
DENYING AS MOOT DEFENDANT'S MOTION TO SUPPRESS [ECF NO. 21]**

On January 28, 2022, the defendant, Richard Connally ("Connally"), moved to suppress all physical evidence obtained from an alleged unlawful search and seizure [ECF No. 21]. The Court referred his motion to the Honorable Michael J. Aloï, United States Magistrate Judge for initial review [ECF No. 22]. Magistrate Judge Aloï conducted a motion hearing at which Connally orally moved to withdraw his motion [ECF No. 31]. Accordingly, Magistrate Judge Aloï entered an R&R recommending that the motion to suppress be denied as moot [ECF No. 33].

The R&R also informed the parties that they had fourteen (14) days from the date of service of the R&R to file "specific written objections, identifying the portions of the Report and Recommendation to which objection is made, and the basis of such objection." It further warned them that the "[f]ailure to file written objections . . . shall constitute a waiver of de novo

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review by the District Court and a waiver of appellate review by the Circuit Court of Appeals." To date, no objections have been filed.

When reviewing a magistrate judge's R&R, the Court must review de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, "the Court may adopt, without explanation, any of the magistrate judge's recommendations" to which there are no objections. Dellarcirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Because no party has objected, the Court is under no obligation to conduct a de novo review. Accordingly, the Court reviewed the R&R for clear error. Finding none, it **ADOPTS** the R&R [ECF No. 33] and **DENIES AS MOOT** Connally's motion to suppress [ECF No. 21].

It is so **ORDERED**.

The Court **DIRECTS** the Clerk to transmit copies of this Order to counsel of record and all appropriate agencies.

DATED: December 5, 2022



THOMAS S. KLEEH, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA